IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WA.No. 330 of 2005(C)

AGAINST THE JUDGEMENT/ORDER IN WPC.3467/2005 Dated 01/02/2005

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APPELLANT: PETITIONER

N.CHANDRAHASAN,
H.C. G-304, DISTRICT SPECIAL BRANCH,
KASARAGOD, RESIDING AT USHUS, KUNNIL NEERCHAL,
P.O.MOGRALPUTHUR, KASARAGOD DISTRICT.

BY ADV. SRI.V.N.ACHUTHA KURUP (SR.)
SRI.BINDU SREEKUMAR

RESPONDENTS: RESPONDDENTS
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1. STATE OF KERALA, REP. BY THE
SECRETARY, HOME DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR GENERAL OF POLICE,
KERALA STATE, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.SANDESH RAJA

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 08/03/2007, THE COURT ON 21/03/2007 DELIVERED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC, JJ.
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W.A.NO.330 OF 2005
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Dated this the 21st May of March, 2007

J U D G M E N T

Antony Dominic, J.

1. The petitioner in the writ petition, is the appellant herein. The writ petition was filed seeking to quash Exts.P3 and P5, by which his request for correction of his date of birth in the service records was declined. The writ petition having been dismissed, the appellant has come up in appeal.

2. We have gone through the pleadings and the judgment of the Learned Single Judge and we find ourselves in agreement with the conclusion of the Learned Single Judge. This is a case where the appellant has entered service as a Police Constable way back on 06.06.1977 and had earned promotion as a Head Constable in 1997 and is continuing as such.

3. At the time of his entry into service, based on the entry in his school records, his date of birth entered in the service records was 10.06.1953. On the basis that his correct date of birth was 14.05.1956, he finally got Ext.P2 order dated 17.04.1998 issued by the Commissioner for Government Examinations sanctioning correction of date of birth in the

school records and SSLC Book. It is stated that such correction was carried out and thereafter on 13.08.1998 he applied for correction of his date of birth in the service records. This was rejected by Ext.P3 order as belated. He pursued the matter by filing Ext.P4, seeking review of Ext.P3, which was also rejected by Ext.P5. As in the case of Ext.P3, in Ext.P4 also, reference has been made to Government Order dated 30.12.1991. It was in the aforesaid circumstances that the writ petition was filed seeking to quash Exts.P3 and P5 orders.

4. On referring to Exts.P3 and P5, we note that in the matter of correction of date of birth in service records, the same was governed by the provisions contained in G.O.(P) No. 45/91/P&ARD dated 30.12.1991, which provided that application for correction of date of birth if any, needed in the case of government servant shall be made within 5 years of entry into service. It also provided that in the case of those who have already crossed the time limit specified, one year time from the date of the order shall be allowed provided they apply beyond 2 years preceding their retirement reckoned with reference to the date of birth as recorded in the service book. In view of the above government order, any request for correction of date of birth in the service record, are to be regulated by the provisions of the Government Order.

5. It is beyond controversy that the appellant made his request for correction only on 13.08.1998, which is well beyond the one year period specified in the Government Order dated 30.12.1991. If that is the factual position, the authorities cannot be faulted for rejecting appellant's request by Ext.P3 and confirming the same by Ext.P5.

In that view of the matter, we do not find any illegality in the judgment of the Learned Single Judge. Accordingly the writ appeal is devoid of any merit and the same is dismissed. No costs.

P.R.RAMAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp